REMARKS

Objections to the Claims

Claims 27 and 32 have been objected to because of informalities. Applicants have amended the claims as suggested by the Examiner to obviate the rejections.

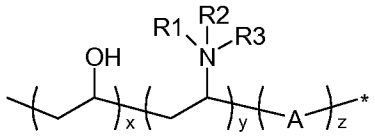
Rejection of the claims under 35 USC §103:

Claims 19, 23, and 27-29 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Wolff et al. (WO 00/75164) (16.04 - pH labile molecules) in view of Goldenberg et al. (U.S. Patent 5,629,184) and Pfohl et al. (U.S. Patent 4,880,497).

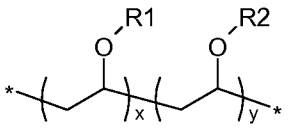
Claims 22 and 30-32 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Wolff et al. (WO 00/75164) in view of Goldenberg et al. (U.S. Patent 5,629,184) and Pfohl et al. (U.S. Patent 4,880,497) in view of Wolff et al. (WO 00/03694).

Applicants respectfully disagree.

First, '184 teaches a polyvinylalcohol/polyvinylamine copolymer. In contrast, the instant application claims an amine-containing amphiphilic polyvinylether polymer. A polyvinyl alcohol/polyvinyl amine copolymer as taught by '184:



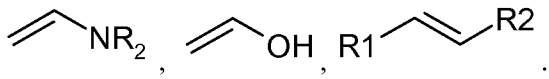
(wherein R1, R2 and R3 are hydrogen, lower alkyl or 2-hydroxyalkyl and R3 can be a lone electron pair and A can derived from any other vinyl monomer) is chemically distinct from an amine-containing amphiphilic polyvinylether polymer claimed by the Applicants:



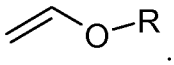
,

(wherein R1 contains an amine and R2 contains a hydrophobic group).

Second, '184 teaches the formation of polymers using vinyl alcohol monomers, vinyl amine monomers and an optional third monomer A, which must also contain a vinyl or −C=C− group:



In contract, Applicants claim polymers synthesized from vinylether monomers:



Thus, the polymers taught by '184 and the instant application are composed of chemically and functionally distinct monomers and are therefore patentably distinct.

Third, while '184 teaches that effective polymers can contain a number of different monomers (column 4 lines 17-54) which includes vinyl ether monomers (component A in structure presented in column 3 lines 39-50), '184 clearly does not teach any polymer which does not contain vinyl alcohol and vinyl amine monomers or is not composed primarily of vinyl alcohol and vinyl amine monomers. Vinyl ether monomers are only one of a long list of monomers which '184 teaches can be incorporated into polyvinyl alcohol/polyvinylamine polymers. '184 does not teach any specific polymer or benefit of incorporating vinyl ether momoners.

In fact, '184 teaches that the primary component of their polymer is composed of vinyl alcohol monomers with only low levels of vinyl amine monomers (abstract, column 2 lines 41-51) and less than 50 mole percent (more preferably less than 10%) any other monomer. Thus, '184 teaches away from polymers composed of polyvinyl ethers. Based on the whole teaching of '184, one of skill in the art, would understand that effective polymers are composed primarily of vinyl alcohol subunits.

The Examiner's rejections are now believed to be overcome by this response to the Office Action. In view of Applicants' amendment and arguments, it is submitted that claims 19, 22, 23, and 27-32 should be allowable.

Respectfully submitted,

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I hereby certify that this correspondence is being transmitted to the USPTO on this date: 11/09/2009 .

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